

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TAMIKO DESIREE WHITAKE,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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SARAH NETBURN, United States Magistrate Judge:

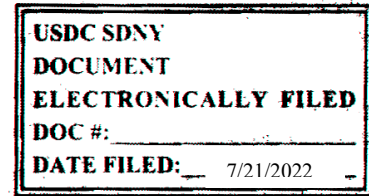
The Clerk of Court shall notify the U.S. Attorney's Office for the Southern District of New York of the filing of this *pro se* case, brought pursuant to 42 U.S.C. § 405(g), for which the filing fee has been waived.

Within 90 days of the date of this Order, the Commissioner must serve and file the Electronic Certified Administrative Record (e-CAR), which will constitute the Commissioner's answer, or otherwise move against the complaint.

If the Commissioner wishes to file a motion for judgment on the pleadings, the Commissioner must do so within 60 days of the date on which the e-CAR was filed. The motion must contain a full recitation of the relevant facts and a full description of the underlying administrative proceeding.

The plaintiff must file an answering brief within 60 days of the filing of the Commissioner's motion. The Commissioner may file a reply within 21 days thereafter.

Memoranda in support of or in opposition to any dispositive motion may not exceed 25 pages in length; reply memoranda may not exceed ten pages in length. A party seeking to



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**ORDER OF SERVICE AND**  
**SCHEDULING ORDER**

exceed these page limitations must apply to the Court for leave to do so, with copies to all counsel, no fewer than seven days before the date on which the memorandum is due.

Requests for extensions of the deadlines set by this scheduling order may be granted by the Court, but only if they are made in advance of the deadline and there is a good reason provided for the request. Such requests shall be submitted in accordance with the Individual Practices of Judge Netburn.

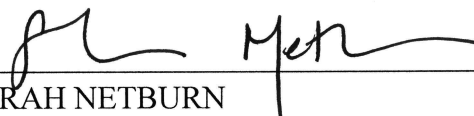
Any stipulation entered between the parties including, but not limited to, a remand to the Commissioner of Social Security for further proceedings, must be approved by the district judge, unless the parties consent to my jurisdiction over the case for all purposes. Pursuant to 28 U.S.C. § 636(c) and Rule 73 of the Federal Rules of Civil Procedure, a United States magistrate judge is available to conduct all proceedings in this case, including but not limited to any decisions on motions and the entry of a final judgment. An appeal from a judgment entered by a magistrate judge, if any, is taken directly to the United States Court of Appeals in the same manner as an appeal from a judgment entered by a district judge.

The parties shall advise the Court as to whether they jointly consent to decision of this action by this United States magistrate judge. If both parties consent, they should complete the counterparts of the Consent to Proceed Before a United States Magistrate Judge available on the Court's website at <http://nysd.uscourts.gov/forms/consent-proceed-us-magistrate-judge> and submit them to my chambers. If either or both parties do not consent, the assigned Assistant United States Attorney shall act as a liaison and report to chambers that the parties do not consent, without indicating any particular party's consent or non-consent. (In other words, the Court does not want to know that party A consents and party B does not). This Order is not meant to interfere in any way with the parties' absolute right to decision by a United States

district judge but is merely an attempt at preserving scarce judicial resources and a reminder of the parties' options under 28 U.S.C. § 636(c).

The *Pro Se* Office at the Thurgood Marshall United States Courthouse, United States Courthouse, 40 Foley Square, Room 105, New York, New York, 10007 ((212) 805-0175) may be of assistance to the Plaintiff in connection with court procedures. The Plaintiff is also encouraged to review the Court's manual "How to Appeal a Social Security/SSI Disability Case," available at <https://nysd.uscourts.gov/sites/default/files/2018-06/appeal-a-social-security-ssi-disability-case.pdf>.

**SO ORDERED.**

  
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SARAH NETBURN  
United States Magistrate Judge

DATED: July 21, 2022  
New York, New York